

ಶ್ರೀ ಕೆ.ಆರ್. ರಾಜಗೋಪಾಲ್.—ನಾನೊಂದು ಕಾಲಿಂಗ್ ಅಟೆನ್ಷನ್ ನೋಟೀಸ್ ಕೊಟ್ಟು ೪ ಹಿಂಗಳಾಯಿತು. ತಾವು ಇನ್ನೂ ಉತ್ತರ ತರಿಸಲಿಲ್ಲ.

ಅಧ್ಯಕ್ಷರು.—ತಾವು ಕಳೆದ ೮ ದಿವಸಗಳಿಂದ ಇಲ್ಲಿ ಕಾಣಲಿಲ್ಲ. ಆದಕಾರಣ ಕಾರ್ಯಕ್ರಮದ ಪಟ್ಟಿಯಲ್ಲಿ ತಮ್ಮ ನೋಟೀಸನ್ನು ಹಾಕಿಸಿಲ್ಲ. ಈಗ ಮೆಳ್ಳೂರು ಅನಂದರಾವ್ ಅವರು ಸಭೆಯಲ್ಲಿ ಇಲ್ಲದ ಪ್ರಯುಕ್ತ ಮಾನ್ಯ ಪಟೇಲ್ ಅವರು ರೂಲ್ ೩೧೨ರ ಪ್ರಕಾರ ವಿಷಯವನ್ನು ಪ್ರಸ್ತಾಪ ಮಾಡಬಹುದು.

### Matters under Rule 312

(i) *Re: alienation of land by Minister for Law, S.W. and B.C.  
at Ranebennur.*

† ಶ್ರೀ ಜೆ. ಎಚ್. ಪಟೇಲ್ (ಚನ್ನಗಿರಿ).—ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ರಾಣಿಬೆನ್ನೂರು ತಾಲ್ಲೂಕಿನಲ್ಲಿ ಈಗ ಹಾಲಿ ಕಾನೂನು ಮಂತ್ರಿಗಳಾಗಿರತಕ್ಕಂಥ ಶ್ರೀ ಎಲ್.ಜಿ. ಹಾವನೂರ್ ಅವರು ಮಾಡಿರತಕ್ಕಂಥ ಒಂದು ಜಮೀನಿನ ವ್ಯವಹಾರದ ಬಗ್ಗೆ ನಾನು ಈಗ ಪ್ರಸ್ತಾಪ ಮಾಡುತ್ತಿದ್ದೇನೆ. ಈವೊತ್ತು ಮಾನ್ಯ ಕಂದಾಯ ಮಂತ್ರಿಗಳು ಹಾಗೂ ಮಾನ್ಯ ಕಾನೂನು ಮಂತ್ರಿಗಳು ಇಬ್ಬರೂ ಅಕ್ಕಪಕ್ಕದಲ್ಲಿ ಕುಳಿತಿರುವುದನ್ನು ನೋಡಿದರೆ ಅವರುಗಳು ಮತ್ತೆ ರಾಜಿಯಾಗಿರುವಂತೆ ಕಾಣುತ್ತಿದೆ. ಆಗಲಿ, ಒಳ್ಳೆಯದು. ಆದರೆ ಇಲ್ಲಿರತಕ್ಕಂಥ ವಿಷಯ ಇಷ್ಟು, ಇಲ್ಲಿ ನಿರ್ದಿಷ್ಟವಾಗಿ ಕಾನೂನಿಗೆ ವಿರುದ್ಧವಾದಂಥ ಒಂದು ಘಟನೆ ನಡೆದಿದೆ ಯೆಂಬುದಾಗಿ ನನಗೆ ಸುದ್ದಿ ಬಂದಿದೆ. ನನಗೆ ತಿಳಿದುಬಂದಿರುವ ಮಾಹಿತಿಯ ಪ್ರಕಾರ ಮಾನ್ಯ ಹಾವನೂರ್ ರವರು ರಾಣಿಬೆನ್ನೂರು ತಾಲ್ಲೂಕಿನಲ್ಲಿ ಸರ್ವೆ ನಂ. ೩೯೩ ಎ.ಮತ್ತು ಬಿ ಈ ಎರಡೂ ಜಮೀನುಗಳನ್ನು ಒಟ್ಟು ೨೩ ಸಾವಿರ ರೂ.ಗಳಿಗೆ ತಾ: ೨೧-೧೧-೧೯೭೭ರಲ್ಲಿ ಖರೀದಿಗೆ ಕೊಟ್ಟಿದ್ದಾರೆಂದು ನನಗೆ ತಿಳಿದು ಬಂದಿದೆ. ಇದರ ಖರೀದಿ ಪತ್ರ ನನ್ನ ಬಳಿ ಇದೆ. ಈ ಖರೀದಿ ಪತ್ರದ ಪ್ರಕಾರ ಆ ಜಮೀನಿನ ಒಂದು ಭಾಗ ಅವರಿಗೆ ಸೇರಿದ್ದು. ಅದರ ಒಂದು ಅಂಶವನ್ನು ಇವರು ೧೯೭೯ನೇ ಇಸವಿಯಲ್ಲಿ ನಾನು ಗೇಣಿದಾರ ಎಂದು ಫಾರಂ ನಂ. ೭ರ ಪ್ರಕಾರ ಡಿಕ್ಲೇಷನ್ ಹಾಕಿ ಪಡೆದಿದ್ದರು. ೧೯೭೪ರಲ್ಲಿ ಈ ಜಮೀನಿನ ಟೆನೆಂಟ್ ನಾನೇ ಎಂದು ಆರ್ಜಿ ಹಾಕಿದ್ದರು. ಅದರ ಪ್ರಕಾರ ೧೯೭೪ರಲ್ಲಿ ಆ ಜಮೀನನ್ನು ಇವರಿಗೆ ಕೊಟ್ಟಿದ್ದಾರೆ. ಲ್ಯಾಂಡ್ ಟ್ರಬ್ಯೂನಲ್ ಅವರು ಆ ಜಮೀನನ್ನು ಇವರಿಗೆ ಕೊಡುವಾಗ ಸ್ಪಷ್ಟವಾಗಿ ತಿಳಿಸಿದ್ದಾತೆ? ಏನೆಂದರೆ, ಇನ್ನು ೬ ವರ್ಷಗಳ ಕಾಲ ಇದನ್ನು ಪರಭಾರೆ ಮಾಡಬಾರದೆಂದು. ಲ್ಯಾಂಡ್ ರೀ-ಫಾರಮ್ಸ್ ಅಕ್ಟಿನ ೬೦ನೇ ಸೆಕ್ಷನ್ ಪ್ರಕಾರ ೬ ವರ್ಷಗಳ ಕಾಲ ಪರಭಾರೆ ಮಾಡುವಂತಿಲ್ಲ. ಈ ಸೆಕ್ಷನ್‌ನಲ್ಲಿ ಈ ರೀತಿ ಹೇಳಿದೆ:—

Notwithstanding anything contained in any law, no land which occupancy has been granted to any person under this chapter shall, within six years (from the date the certificate under section 55 is issued) be transferred by sale, gift, exchange, mortgage, lease or assignment. But the land may be partitioned among members of the holder's joint family subject to the condition that no fragment shall be created by any partition.

ಈ ರೀತಿ ಈ ಸೆಕ್ಷನ್‌ನಲ್ಲಿ ಸ್ಪಷ್ಟವಾಗಿ ಹೇಳಿದೆ. ಇದರ ಪ್ರಕಾರ ೬ ವರ್ಷಗಳಲ್ಲಿ ಹಂಚಿಕೊಳ್ಳಬಹುದೇ ಹೊರತು ಪರಭಾರೆ ಮಾಡುವಂತಿಲ್ಲ. ಇಲ್ಲಿ ಇನ್ನೊಂದು ಸೆಕ್ಷನ್ ಇದೆ. ಅಂದರೆ ಸೆಕ್ಷನ್ ೫೩ರ ಪ್ರಕಾರ ಇದಕ್ಕೆ ಒಂದು ಪ್ರಿಮಿಯಮ್ ಕಟ್ಟಿದರೆ ಅಕ್ಕುವೆನ್ನ ರೈಟ್ ಬರುತ್ತದೆ.

Section 53 of the Land Reforms Act says as follows:—

“The amount of premium in respect of the land of which a tenant or sub-tenant entitled to be registered as occupant under Section 45 shall payable to the State Government by

the tenant or sub-tenant either in one lumpsum or in equated instalments over a period of not exceeding 20 years with interest at four and a half percent annum as the tenant may intimated to the Tahsildar."

ಇದು ಕ್ರಿಯೆ ಆಗಿದೆ. ಇವರು ನಾನು ಹೇಳಿದಂಥ ಜಮೀನಿಗೆ, ಫಾರಂ ನಂ. ೭೨ರಲ್ಲಿ ಡಿಕ್ಲೇರೇಷನ್ ಆದ ಜಮೀನಿಗೆ ಪ್ರಿಮಿಯಮ್ ಕಟ್ಟಿಲ್ಲ. ಆ ಜಮೀನು ೬ ವರ್ಷ ಪರಭಾರೆ ಮಾಡಬಾರದು ಎಂದು ಹೇಳಿದ್ದನ್ನು ಪರಭಾರೆ ಮಾಡಿದ್ದಾರೆ. ಇದೇ ಜಮೀನು ೧೯೫೬ರಲ್ಲಿ ನಾನು ಅಗ್ರಿಕಲ್ಚರಲ್ ಪರಪಸ್‌ಗೆ ಅಲಿನಿಯೇಟ್ ಆಗಿದೆ ಎಂದು ಒಂದು ದಾಖಲೆ. ಮಾಧವನಾಯಕ ಎನ್ನುವವರು ಅದರ ಮಾಲೀಕರು. ಅವರು ೧೯೫೬ರಲ್ಲಿ ಈ ಜಮೀನನ್ನು ಒಂದು ಅಗ್ರಿಕಲ್ಚರಲ್ ಪರಪಸ್‌ಗೆ ಅಲಿನಿಯೇಟ್ ಮಾಡಿದ್ದೇವೆ ಎಂದು ಒಂದು ದಾಖಲೆ. ಅದೇ ಒಂದು ಅಗ್ರಿಕಲ್ಚರಲ್ ಪರಪಸ್‌ಗೆ ಅಲಿನಿಯೇಟ್ ಭೂಮಿಗೆ ೧೯೭೪ರಲ್ಲಿ ಟೆನೆಂಟ್ ಎಂದು ಹಾವನೂರ್ ಅವರು ಡಿಕ್ಲೇರೇಷನ್ ಕೊಟ್ಟಿದ್ದಾರೆ. ಡಿಕ್ಲೇರೇಷನ್ ಲ್ಯಾಂಡ್ ಟ್ರಿಬ್ಯುನಲ್‌ಗೆ ಕೊಟ್ಟಾಗ ಸೆಕ್ಷನ್ ೧೨೫ರ ಪ್ರಕಾರ ಯಾರೇ ಟ್ರಿಬ್ಯುನಲ್ ಮುಂದೆ ರಿಟ್ ಹಾಕಿದಾಗ ಏನು ಮಾಡಬೇಕು ಎಂದು ಸ್ಪಷ್ಟವಾಗಿ ಹೇಳಿದ್ದಾರೆ. ಇನ್ನು ಸೆಕ್ಷನ್ ೧೨೫ ಲ್ಯಾಂಡ್ ರಿಫಾರಮ್ಸ್ ಅ್ಯಕ್ಟ್‌ನಲ್ಲಿ ಸ್ಪಷ್ಟವಾಗಿ ಹೇಳಿದೆ.

Section 125 of the Land Reforms Act clearly states as follows:—

'If any person who is under an obligation to furnish any (return, statements or) information under this Act or any rule made thereunder furnishes any (return, statement or) information which he knows or has reason to believe to be false, he shall on conviction by a Magistrate be punished with fine which may extend to Rs. 1,000.'

This is a clear case of an act which is punishable and where prosecution is imminent.

೧೯೫೬ರಲ್ಲಿ ಅದು ಕೃಷಿಯೇತರ ಕೆಲಸಕ್ಕೆ ಎಂದು ಪರಿವರ್ತನೆ ಮಾಡಿದ್ದರೆ ೧೯೭೪ರಲ್ಲಿ ಟೆನೆಂಟ್ ಎಂದು ಅರ್ಜಿ ಹಾಕಿದು ತಪ್ಪು. ಒಂದು ಪಕ್ಷ ಅದು ಸರಿ ಎಂದು ಇಟ್ಟುಕೊಂಡರೆ ವಾದಕ್ಕೋಸ್ಕರವಾಗಿ, ೬ ವರ್ಷ ಪರಭಾರೆ ಮಾಡಬಾರದು ಎಂದು ಹೇಳಿದ್ದನ್ನು ಲೆರೆ ರೂಪಾಯಿ ಕೊಟ್ಟು ಜಮೀನು ಪಡೆದಿದ್ದನ್ನು ಲೆ ಸಾಫಿರ ರೂಪಾಯಿಗೆ ಮಾರಾಟ ಮಾಡಿರುವುದು ಇನ್ನೊಂದು ತಪ್ಪು. ಟ್ರಿಬ್ಯುನಲ್ ಮುಂದೆ ಹೇಳಿಕೊಟ್ಟಿದ್ದು ತಪ್ಪು. ಈ ಎರಡರ ಪೈಕಿ ಯಾವುದು ತಪ್ಪಾದರೂ ತಪ್ಪು. ಆದ್ದರಿಂದ ಇಲ್ಲಿ ಪ್ರಶ್ನೆ ಏನು ಅಂದರೆ ವೈಯಕ್ತಿಕ ಪ್ರಶ್ನೆ ಅಲ್ಲ. ನನ್ನ ಬಹಳ ಜನ ಸದಸ್ಯರು ಏನು ಆಲೋಚನೆ ಮಾಡುತ್ತಿದ್ದರು ಯಾರದೋ ಇದರ ಮೇಲೆ ಒಂದು ಗೊಬ್ಬೆ ಕೂರಿಸಲಿಕ್ಕೆ ಪ್ರಯತ್ನ ಮಾಡುತ್ತಿದ್ದಾರೆ ಎಂದು ಅದು ಅಲ್ಲ, ನಾವು ಬೇರೆಯವರಿಗೆ ಉಪದೇಶ ಮಾಡಲಿಕ್ಕೆ ಕಾನೂನು ಮಾಡುತ್ತಾ ಇಲ್ಲ. ಲ್ಯಾಂಡ್ ರೀಫಾರಮ್ಸ್ ಬಗ್ಗೆ ಕಾನೂನು ಮಂತ್ರಿಗಳು, ಕಂದಾಯ ಮಂತ್ರಿಗಳು, ಮುಖ್ಯ ಮಂತ್ರಿಗಳು ಇವರು ಮೊದಲು ಅಚರಿಸುವುದನ್ನು ಕಲಿತರೆ ಅನಂತರ ಬೇರೆಯವರಿಗೆ ಉಪದೇಶ ಮಾಡಲಿಕ್ಕೆ ಅನುಕೂಲವಾಗುತ್ತದೆ. ಕಾನೂನಿಗೆ ನೀವು ಸ್ವತಃ ಗೌರವಿಸದೇ ಹೋದರೆ ಕಾನೂನಿಗೆ ಸಮಾಜದಲ್ಲಿ ಬೆಲೆ ಇರುವುದಿಲ್ಲ ಎನ್ನುವ ಮಾತನ್ನು ಸ್ಪಷ್ಟಪಡಿಸುವುದಕ್ಕೋಸ್ಕರ ಈ ವಿಷಯವನ್ನು ಪ್ರಸ್ತಾಪ ಮಾಡಿದ್ದೇನೆ.

ಅಧ್ಯಕ್ಷರು:—ಮಾನ್ಯ ಸದಸ್ಯರು ಸಂಕ್ಷೇಪವಾಗಿ ವಿಚಾರ ತಿಳಿಸಬಹುದು.

ಶ್ರೀ ಜೆ. ಹೆಚ್. ಪಟೇಲ್:—ಸ್ವಾಮಿ, ಅವರ ರಾಮಾಯಣ, ಮಹಾಭಾರತ ಹೇಳುವಾಗ ಸುಮ್ಮನೆ ಕೇಳುತ್ತಾ ಇರುತ್ತೀರಿ.

ಅಧ್ಯಕ್ಷರು:—ಈಗ ರಾಮಾಯಣ ಮಹಾಭಾರತ ಯಾವುದು ಬೇಡ.

ಶ್ರೀ ಜೆ. ಹೆಚ್. ಪಟೇಲ್:—ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಸ್ವಲ್ಪ ಈ ಕಡೆ ಗಮನಕೊಡಬೇಕು.

ಅಧ್ಯಕ್ಷರು:—ತಾವು ಹೇಳುತ್ತಾ ಇರುವುದನ್ನು ಅವರು ಕೇಳುತ್ತಾ ಇದ್ದಾರೆ.

ಶ್ರೀ ಜೆ. ಹೆಚ್. ಪಟೇಲ್.—ಅವರ ಮೇಲೆ ಪ್ರಾಸಿಕ್ಯೂಷನ್ ಮಾಡುತ್ತೀರಾ? ಅಥವಾ ಈ ಪರಿಸ್ಥಿತಿ ಬಹಳ ಗಂಭೀರ ಇರುವುದರಿಂದ ತಕ್ಷಣ ಅವರೇ ಸ್ವತಃ ರಾಜೀನಾಮೆ ಕೊಡುತ್ತಾರೆಯೇ?

SRI B. BASAVALINGAPPA (Minister for Revenue).—1 wish to make the following Statement:—

Sri L. G. Havanur, Hon'ble Minister for Law and Social Welfare was the owner of Survey No. 593A/4B/2 of Ranebennur, measuring Acres 0 Guntas 29 Annas 38½. He was the tenant of Survey No. 593A/3B/2 measuring Acres 0 Guntas 14 Annas 15½. ME Nos. 4392 and 5099 pertaining to these lands were certified as far back as in 1957. In the said MEs the lands in question have been described as non-agricultural lands, having been converted for non-agricultural purposes in 1956. Unfortunately this information has not been carried forward to the relevant Record of Rights.

Sri Havanur has left Ranebennur about 16 years back and all his affairs including the management of the property, etc. was being done by his former clerk and Power of Attorney holder Sri Durgappa Huchappa Goravar. Because the relevant Record of Rights did not incorporate the fact of the lands in question being non-agricultural one, Sri Goravar was led to believe that the lands were agricultural and he filed an application in Form 7 before the Land Tribunal, Ranebennur to get Sri Havanur registered as an occupant. The Tribunal also passed order mechanically in his favour. The very act of Sri Havanur approaching the Tribunal was a mistake of fact.

It has also been ascertained that Sri Havanur himself believing that the lands in question were agricultural ones has applied to the Special Deputy Commissioner, Dharwar for permission to convert the said lands for non-agricultural purposes. The Special Deputy Commissioner asked him to produce certain relevant records like the mutation entries. And only then it came to his knowledge that the lands had already been converted for non-agricultural purposes as far back as in 1956. And on learning this fact he did not pursue the matter further before the Special Deputy Commissioner.

Since the lands had already been converted into non-agricultural ones, he sold them for Rs. 23,000 in 1977. The Sub-Registrar had also verified the facts before the registration of the sale deed. There can not be anything like fraud and misrepresentation in the matter.

SRI J. H. PATEL.—Ignorance of law is no excuse. He knows it.

HON. MEMBER.—It is a mistake of fact. Ignorance of law is quite different from the mistake of fact.

ಶ್ರೀ ಜೆ. ಎಚ್. ಪಟೇಲ್.—ಈಗ ಆಗಿರತಕ್ಕ ತಪ್ಪಿಗೆ ಅವರೂ ವಿನಾಯಿತಿ ನೀಡಲಾಗಿದೆ. ಅವರೂ ಮಾಡಿರುವುದು ತಪ್ಪು ಎಂದು ಒಪ್ಪಿಕೊಂಡಿದ್ದಾರೆ.

† SRI S. R. BOMMAI (Hubli).—I am one of the signatories to the Notice and I would like to speak a few words. Sir, there is no complete truth in the statement of the Hon. Minister for Revenue. He has suppressed certain facts and he is trying to misled this House. Therefore, I would narrate the entire fact and the correct position of law.

10-30 A.M.

Sir, this land belongs to Madhwa Naik Halagere and it was admitted as an Agricultural Land. There was an application by him to convert this into non-agricultural land. An order was passed and as per the orders a mutation entry No. 5099 was entered and in that it has been mentioned very clearly. According to the provisions of Bombay Revenue Code permission was sought to convert this land. Accordingly permission was granted and it was executed. In the entry it is clearly mentioned ಈ ಪ್ರಕಾರವಾಗಿ ದಾಖಲೆ ಮಾಡಿದೆ There are two documents in respect of two lands and Kablas have been executed. When I was explaining I have made it very clear in the beginning itself that we are not trying to make any insinuation against the Hon. Minister who is a good friend of mine. Whether he is a friend; he is a brother; or he is a relative, if there is any contravention of law it is our duty to bring that before this House. Sir, after these Kablas were executed, according to Section 65 of the Bombay Land Revenue Code certain conditions were imposed. There is a form prescribed. Under the Bombay Land Revenue Code there is a form No. 'M' and under Section 67 of the Bombay Land Revenue Code once it was executed it should be assessed as non-agricultural land and assessment has to be levied. Unless and until agricultural assessment is levied, until and unless all the conditions are fulfilled the land continues to be the agricultural land. There is a time bound fixed for converting it. In form No. 8 the period is given, and within that period it should be put into non agricultural use. If it is not put into non-agricultural use, it will again continue to be agricultural land till it is put into non-agricultural use. In this particular case what happened? He did not put the land into non-agricultural use. Therefore, it continues to be agricultural land. Sir, I have got in possession the record of rights of this land from the year 1958-59. What does the record of rights say? After the permission was given to non-agricultural use it continues to be agricultural land. It is a fact there is a condition in the agreement to put the land for non-agricultural purposes. But it continues to be agricultural land. It is there in the record of right. In the record of rights it says it continues to be agricultural land since 1958-59, 1959-60 and 1960-61 and it was personally cultivated. Then, Sir, in the year 1963-64 the



hon. Minister took the land by lease under the Bombay Revenue Code and the same was entered into the records. In the records for the year 1963-64 it is shown as agricultural land. The mode of cultivation is also mentioned here. It is shown under column-3—personally cultivated by the tenant. What are the crops grown? They have grown crops like ಸವಕಾಯಿ, ಮೆಣಸು, ಹಿರೇ, ಬೆಂಡೆಕಾಯಿ.

Then in 1966-67 Paddy is grown, kitchen garden, vegetables were grown. ಎತ್ತ, ಜೋಳ, ಬೆಂಡೆ are.

Agricultural crops. Every year agricultural crops were grown and continued upto 1976-77. It is used for the agricultural purposes. Here I would like to refer to the provisions of the Land Reforms Act. In that 'Agricultural Land' has been defined very clearly. It reads thus :—

“land” means agricultural land, that is to say, land which is used or capable of being used for agricultural purposes or purposes subservient thereto and includes horticultural land, forest land, garden land, pasture land, plantation and tope but does not include house-site or land used exclusively for non-agricultural purposes.”

In this case it is obviously an agricultural land and it has been used for agricultural purposes. I have got a certified copy according to the records. Sir, another important fact is, after coming into force of Land Reforms Act an application was filed by Mr. Havanur himself claiming him to be a tenant. According to the Act, under form No. 7 a tenant has to apply to the Land Tribunal for grant of occupancy rights in respect of agricultural land. Such application was filed by Mr. Havanur and not his Power of Attorney. I have greatest respect for Mr. Havanur. He is one of the reputed lawyers of our State and he has got good name in the Bar, in the High Court while he was practicing there. Now he is the Law Minister. Then he was a Lawyer. Knowing well the provisions of the Act he has filed an application to the Land Tribunal. Unless it was an agricultural land, unless he was a tenant, there was no necessity for him to file an application. When once an application is filed then it is an application only. An application was filed on 28th December 1974 and thereafter the Land Tribunal had passed an order on 9th September 1977. It has said it is an agricultural land and it also given a finding that Mr. Havanur is a tenant and it has ordered him to be registered as tenant occupant. Sir, my humble submission would be, unless Lands Tribunal's order is set aside which is final, it cannot be questioned by anybody.

In the face of the finding of the Tribunal that it is agricultural land and Sri Havanur is the tenant, not even the Deputy Commissioner of the Revenue Minister has the authority to say that it is non-agriculture land. If Sri Havanur has made an application to the Deputy Commissioner and the Deputy Commissioner has given a reply, that reply has no relevance; it is a waste paper. He has no business, no authority and no jurisdiction to say that it is non-agricultural land. The order of the Tribunal is binding on the Deputy Commissioner and the Revenue Minister unless it is set aside by the High Court. If the Deputy Commissioner is trying to oblige by sending such a letter, he has completely failed in his duty and he must be held responsible for this illegal reply and the order he has passed. An enquiry must be held against him in this behalf.

Another point is this. According to the sale deed executed by Sri L.G. Havanur this land has been sold on 21-11-1977, immediately within three months of the order of the Tribunal for Rs. 23,000. Firstly, it is an agricultural land. As pointed out by the hon. Member Sri Patel, under Section 53 unless the entire premium is paid by the landlord and a certificate is issued under Section 55 of the Land Reforms Act, the Government is the owner. It is not the case of the Government that Sri Havanur has paid the occupancy price. Unless and until that is paid, the land is invested in the Government. Under Section 61, this land cannot be transferred for 6 years and it has been so done. If it is done in contravention of the Act under Sections 79, 81 and 82, the land vests with the Government. When there is alienation of land, Under Sections 81 and 82 the land will vest in the Government and it will be available for distribution according to the law. Now Section 125 says:

“If any person contravenes any provision of this Act which is not punishable under any of the preceding Sections or wilfully contravenes any lawful order passed under this Act, he shall on conviction by a Magistrate be punished with fine which may extend to Rs. 500.”

So, if any provision is contravened, he is liable to be punished. Here there are a number of contraventions by the Hon. Minister. There is the contravention of giving false information, non-payment of premium, and alienation of land. So, the person concerned is liable to be prosecuted and punished and the land is to be taken over and distributed.

Supposing it is non-agricultural land and he has taken it on lease in 1963 or 1964, he cannot be the owner, and he has no right to sell it unless the land is transferred by the owner. He continues to

be the tenant. So, law of the land must apply to the person concerned whether he is the Law Minister or A, B or C. There cannot be any discrimination. If the Government hesitates to take action under the law, it will be failing in its duty. Every human being is likely to commit mistakes. Generally the lawyers are not good in their personal matters. In my personal matters I will consult another lawyer. This is a violation by a person who is a lawyer and who is now the Law Minister and so proper stringent action under the provisions of the Act must be taken. We want an assurance from the Government in this behalf. If the Government is doubtful, let it appoint a judicial commission and let it go into the matter and give a finding whether there is any contravention and whether there is any case for prosecution. Otherwise if Government tries to protect him because he is a Cabinet Minister it will be failing in its duty. We want a judicial commission to be appointed and the matter done into by that commission.

ಶ್ರೀಮತಿ ಎಸ್. ಪ್ರಮೀಳಾ.—ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ನಾನೂ ಕೂಡ ಇದರ ಬಗ್ಗೆ ಕೆಲವು ವಿವರಣೆಗಳನ್ನು ಕೇಳಬೇಕು ?

ಅಧ್ಯಕ್ಷರು.—ಮಾನ್ಯ ಸದಸ್ಯರು ೩೦೨ರ ಕೆಳಗೆ ಸಹಿ ಮಾಡಿರುವವರೆಲ್ಲಾ ಮಾತನಾಡಬೇಕೆಂದರೆ ಬಹಳ ಕಷ್ಟವಾಗುತ್ತದೆ. ದಯಮಾಡಿ ಕುಳಿತುಕೊಳ್ಳಿ, ನಿಮ್ಮ ಕಡೆಯಿಂದ ನಿಮ್ಮ ನಾಯಕರು ಹಾಗೂ ಮಾನ್ಯ ಹಿರಿಯ ಸದಸ್ಯರಾದ ಪಟೇಲ್‌ರವರು ಮಾತನಾಡಿದ್ದಾರೆ.

ಶ್ರೀ ಪಿ. ಎನ್. ರೆಡ್ಡಿ.—ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ನಾನು ಕೂಡ ಕೆಲವು ವಿಷಯಗಳ ಬಗ್ಗೆ ಮಾತನಾಡಬೇಕು, ದಯಮಾಡಿ ಅವಕಾಶ ಮಾಡಿಕೊಡಬೇಕು ?

ಅಧ್ಯಕ್ಷರು.—ದಯಮಾಡಿ ಮಾನ್ಯ ಸದಸ್ಯರಲ್ಲಿರೂ ಕುಳಿತುಕೊಳ್ಳಬೇಕು.

ಶ್ರೀ ಎಂ. ಸಿ. ನಾಯ್ಡು.—ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ಬೇರೆಯವರಿಗೆ ಇದರಲ್ಲಿ ಮಾತನಾಡಲು ಅವಕಾಶ ಕೊಟ್ಟರೆ ದಯಮಾಡಿ ನನಗೂ ಅವಕಾಶ ಕೊಡಬೇಕೆಂದು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.

ಶ್ರೀ ಎಸ್. ಎಂ. ಶೀರಾಳಿ ಚಂದ್ರಶೇಖರ್.—ಅವರಿಗೆ ಅವಕಾಶ ಕೊಟ್ಟರೆ ನಮಗೂ ಅವಕಾಶ ಕೊಡಬೇಕಾಗುತ್ತದೆ.

[ಹೆಚ್ಚು ಸದಸ್ಯರು ಒಂದೇ ಸಾರಿ ಮಾತನಾಡುವುದಕ್ಕೆ ಪ್ರಯತ್ನಿಸುತ್ತಿದ್ದರು]

ಶ್ರೀ ಸಿ. ಎಂ. ಇಬ್ರಾಹಿಂ.—ಅಧ್ಯಕ್ಷರೇ, ನಾನು ಒಂದು ಪ್ರಿಯಾಲೋಪವನ್ನು ಎತ್ತುತ್ತೇನೆ. ಅದೇನೆಂದರೆ ತಾವು ಮೊದಲು ಏನಂತ ಅಪ್ಪಣೆ ಕೊಡಿಸಿದಿರಿ ಎಂದರೆ ಯಾರು ಇದಕ್ಕೆ ಸಿಗ್ನೇಚರ್ ಹಾಕಿಲ್ಲ ಅವರು ಈ ವಿಚಾರದಲ್ಲಿ ಮಾತನಾಡುವುದಕ್ಕೆ ಅವಕಾಶ ಇಲ್ಲ ಎಂದು. ಇದು ಸ್ಪಷ್ಟ. ತಾವು ಇದೇ ರೀತಿ ಅಪ್ಪಣೆ ಕೊಡಿಸಿದಿರಿ. ಈವೊತ್ತು ನಾವು ಅಂದರೆ ಈ ಬಗ್ಗೆ ಯಾರಾರೂ ಸೈನ್ ಹಾಕಿದ್ದಾರೆ ಅವರಿಗಲ್ಲಾ ಮಾತನಾಡುವುದಕ್ಕೆ ಅವಕಾಶ ಸಿಗಬೇಕು, ನಾವು ಇದರಲ್ಲಿ ಭಾಗವಹಿಸಬೇಕು ಅನ್ನುವ ಉದ್ದೇಶಕ್ಕಾಗಿಯೇ ಇದಕ್ಕೆ ಸಹಿ ಹಾಕುವ ಉದ್ದೇಶ ಇನ್ನೇನೂ ಅಲ್ಲ. ಆ ಕಡೆಯ ಸದಸ್ಯರು ಈ ಬಗ್ಗೆ ಮಾತನಾಡಬೇಕು ಅನ್ನುವ ಇಚ್ಛೆ ಇದ್ದಿದರೆ ಅವರೇ ಈ ಒಂದು ಸೂಚನೆಯನ್ನು ತರಬಹುದಾಗಿತ್ತು. ನಾವು ಅದನ್ನು ಸ್ವಾಗತ ಮಾಡುತ್ತಿದ್ದೆವು. ತಾವು ಇದಕ್ಕೆ ಯಾರು ಯಾರು ಸೈನ್ ಹಾಕಿದ್ದಾರೆ ಅವರೇ ಮಾತನಾಡಬೇಕೇ ವಿವಾ ಇದಕ್ಕೆ ಸಂಬಂಧಪಡದೇ ಇದ್ದವರು ಮಾತನಾಡುವ ಹಾಗಿಲ್ಲ ಎಂದು ಅಪ್ಪಣೆ ಕೊಡಿಸಿದೀರಿ. ನಾವು ಇದಕ್ಕೆ ಸಹಿ ಹಾಕಿಕೊಟ್ಟಿದ್ದೇವೆ. ಆದುದರಿಂದ ಅವರುಗಳಿಗೆ ಇದರ ಬಗ್ಗೆ ಮಾತನಾಡುವುದಕ್ಕೆ ಸಂಬಂಧಪಡುವುದಿಲ್ಲ ; ಅದಕ್ಕೋಸ್ಕರವಾಗಿ ಅವರಿಗೆ ಮಾತನಾಡುವುದಕ್ಕೆ ಇದರಲ್ಲಿ ಅವಕಾಶ ಇಲ್ಲ ಎಂದು ಹೇಳುತ್ತೇನೆ.

ಇನ್ನು ಎರಡನೆಯದಾಗಿ ತಮಗೆ ಗೊತ್ತಿರುವ ಹಾಗೆ ಒಬ್ಬ ಮಹಿಳಾ ಸದಸ್ಯರು ಈ ಬಗ್ಗೆ ಮಾತನಾಡಲಿ ಎಂದು ನಿಂತವೇಲೆ ಅತ್ತ ಕಡೆ ೩—೪ ಜನ ಎದ್ದು ನಿಂತಿದ್ದಾರೆಲ್ಲಾ ಇದು ಸರಿಯೇ ?

ಶ್ರೀ ಎಂ. ಸಿ. ನಾನಯ್ಯ.—ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಇದಕ್ಕೆ ಉತ್ತರ ಹೇಳಲು ಎದ್ದು ನಿಂತರೆ ನಾನು ಏನೂ ಕೇಳುವುದಿಲ್ಲ. ಆ ಕಡೆಯ ಸದಸ್ಯರು ಲೀಗಲ್ ಇಷ್ಯೂ ಬಗ್ಗೆ ಎಂದು ನಿಂತುಕೊಂಡು ಮಾತನಾಡಿದರೆ; ನಾನೂ ಸಹ ಲೀಗಲ್ ಇಷ್ಯೂ ಬಗ್ಗೆ ಮಾತನಾಡುತ್ತೇನೆ.

ಶ್ರೀ ಜೆ. ಹೆಚ್. ಪಟೇಲ್.—ಈಗ ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಹೇಳಿಕೆ ಕೊಡಲಿ. ಅನಂತರ ಈ ಒಂದು ಸೂಚನೆಯಲ್ಲಿ ಯಾರ್ಯಾರು ಹೆಸರು ಇದೆ ಅವರಲ್ಲಿ ಯಾರಾದರೂ ಪ್ರಶ್ನೆ ಕೇಳಿದರೆ ಅದಕ್ಕೆ ಅವಕಾಶ ಕೊಡಬೇಕು ಎಂದು ಹೇಳುತ್ತೇನೆ.

ಅಧ್ಯಕ್ಷರು.—ತಮಗೆಲ್ಲಾ ಚೆನ್ನಾಗಿ ಗೊತ್ತಿದೆ. ೧೦-೧೫-೨೦ ಜನ ಸೇರಿ ಒಂದು ನೋಟೀಸ್‌ಗೆ ರುಜೂ ಹಾಕಿ ಕಳುಹಿಸಿದರೆ ಪ್ರತಿಯೊಬ್ಬರಿಗೂ ಈ ಬಗ್ಗೆ ವಿವರಣೆ ಕೇಳುವುದಕ್ಕೆ ಅವಕಾಶ ಕೊಡಬೇಕು ಎಂದರೆ ಅದು ಒಳ್ಳೆಯ ಸಂಪ್ರದಾಯವಲ್ಲ. ತಾವು ಪಾರ್ಲಿಮೆಂಟರಿ ಪ್ರೊಸೀಜರ್ ಅನ್ನೂ ಸಹ ಚೆನ್ನಾಗಿ ತಿಳಿದುಕೊಂಡಿದ್ದೀರಿ. ಅಲ್ಲಿ ೨೦-೩೦ ಜನ ರುಜೂ ಹಾಕಿ ಹೀಗೆ ಕಳುಹಿಸಿದರೆ ಅವರು ಲಾಟರಿ ಎತ್ತು ಬಿಟ್ಟು ಅದರಲ್ಲಿ ೪-೫ ಜನಕ್ಕೆ ಮಾತನಾಡುವುದಕ್ಕೆ ಅವಕಾಶ ಕೊಡುತ್ತಾರೆ. ಆದರೆ ಇಲ್ಲಿ ಆ ರೀತಿ ಲಾಟರಿ ಎತ್ತುವುದಕ್ಕೆ ಹೋಗುವುದು ಬೇಡ. ಹೇಗಾದರೂ ಈಗ ತಮ್ಮ ಪಕ್ಷದ ನಾಯಕರು ಮತ್ತು ಹಿರಿಯ ಸದಸ್ಯರಾದ ತಾವು ಅನುಭವಗಳಾದಂಥವರು ತಾವುಗಳು ಇದರ ಬಗ್ಗೆ ಮಾತನಾಡಿದ್ದೀರಿ. ಬೇಕಾದರೆ ಉತ್ತರ ಕೊಟ್ಟು ನಂತರ ಒಬ್ಬಿಬ್ಬ ಸದಸ್ಯರು ಮಾತನಾಡಿದರೆ ಸಾಕು ಎಂದು ನನಗೆ ಅನಿಸುತ್ತದೆ.

ಶ್ರೀ ಜೆ. ಹೆಚ್. ಪಟೇಲ್.—ನನ್ನ ಹತ್ತಿರ ಕೆಲವು ಮಾಹಿತಿ ಇದೆ, ನಾಯಕರ ಹತ್ತಿರ ಕೆಲವು ಮಾಹಿತಿ ಇದೆ ಮತ್ತು ಹಾಗೆಯೇ ಪ್ರಮೀಳಾದವರ ಹತ್ತಿರ ಕೆಲವು ವಿಷಯಗಳು ಇದ್ದರೆ ಹೌದೋ ಅಲ್ಲವೋ ಅದನ್ನು ಕೇಳಬೇಕೇ ಬೇಡವೇ ?

ಶ್ರೀ ಎಸ್. ಎಂ. ಶೀರಾಳಿ ಚಂದ್ರಶೇಖರ್.—ಸ್ವಾಮಿ, ಈ ಮಾಹಿತಿಗಳ ಬಗ್ಗೆ ಹೆಚ್ಚು ಮಾತನಾಡಬೇಕು ಅಂತ ಎಲ್ಲರೂ ಡಿಸ್ಟಿಬ್ಯೂಟ್ ಮಾಡಿಕೊಂಡಿದ್ದಾರೆ.

ಶ್ರೀ ಸಿ. ಎಂ. ಇಬ್ರಾಹಿಂ.—ತಾವು ಸಹ ಇದಕ್ಕೆ ರುಜೂ ಹಾಕಿ ಕೊಡಬೇಕಾಗಿತ್ತು.

ಅಧ್ಯಕ್ಷರು.—ಸ್ವಲ್ಪ ನಾನು ಹೇಳುವುದನ್ನು ಕೇಳಿ. ಈಗ ಈ ಮನೆಯ ಕೆಲಸ ಏನು ಇದೆ ಅವೆಲ್ಲಾ ಈವೊತ್ತು ನಡೆಯಬೇಕು. ಇದೇ ವಿಚಾರವನ್ನು ನಾವು ಕೇಳುತ್ತಾ ಹೋದರೆ ಕೊನೇ ವೇಳೆಗೆ ಬೇರೆಯದಕ್ಕೆ ಸಮಯ ಇರುವುದಿಲ್ಲ. ನಂತರ ತಾವು ಪಶ್ಚತ್ತಾಪ ಪಡಬೇಕಾಗುತ್ತದೆ. ಆದುದರಿಂದ ಈಗ ಯಾರ್ಯಾರು ಇದಕ್ಕೆ ಸಹಿ ಹಾಕಿದ್ದಾರೆ ಅವರಿಗೆ ಒಂದೊಂದು ವಿವರಣೆ ಕೇಳುವುದಕ್ಕೆ ಅವಕಾಶ ಕೊಟ್ಟು ಈ ವಿಷಯವನ್ನು ಇಲ್ಲಿಗೆ ಮುಗಿಸೋಣ.

ಶ್ರೀ ಬಿ. ಭಾಸ್ಕರ ಶೆಟ್ಟಿ.—ಅಧ್ಯಕ್ಷರೇ, ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಇದಕ್ಕೆ ಉತ್ತರ ಕೊಡಲಿ. ಅದರಲ್ಲಿ ಯಾರಾದರೂ ಒಬ್ಬಿಬ್ಬರು ಕ್ಲಾರಿಫಿಕೇಷನ್ ಕೇಳುವುದು ಇದ್ದರೆ ಆ ಇಬ್ಬರಿಗೆ ಕೊಡಿ.....

ಶ್ರೀ ಸಿ. ಎಂ. ಇಬ್ರಾಹಿಂ.—ತಾವು ಇದಕ್ಕೆ ಏನಾದರೂ ಸೈನ್ಸ್ ಹಾಕಿದ್ದೀರಾ ? ಇದಕ್ಕೆ ಸೈನ್ಸ್ ಹಾಕಿದವರಿಗೆ ಮಾತನಾಡುವುದಕ್ಕೆ ಅವಕಾಶ ಕೊಡಬೇಕೇ ಬೇಡವೆ ? ನೀವೇನೂ ಈಗ ಹೊಸ ಸಂಪ್ರದಾಯ ಹಾಕುತ್ತೀರಾ ?

ಶ್ರೀ ಬಿ. ಭಾಸ್ಕರ ಶೆಟ್ಟಿ.—ನಾನು ಹೇಳುವ ತನಕ ತಾವು ಸ್ವಲ್ಪ ತಾಳ್ಮೆಯಿಂದ ಇರಿ. ಫೈನಾಲ್ ಗೆ ಮಾಡುವುದಕ್ಕೆ ಹೋಗಬೇಡಿ.

ಶ್ರೀ ಸಿ. ಎಂ. ಇಬ್ರಾಹಿಂ.—ಯಾರ್ಯಾರು ಇದಕ್ಕೆ ಸಹಿ ಹಾಕಿದ್ದಾರೆ ಅವರುಗಳಿಗೆ ಮಾತನಾಡುವುದಕ್ಕೆ ಅವಕಾಶ ಕೊಡಬೇಕೇ ಎನು ಬೇರೆ.....

ಶ್ರೀ ಬಿ. ಭಾಸ್ಕರ ಶೆಟ್ಟಿ.—ನಿಮ್ಮಲ್ಲಿ ಹೇಗೆ ಮಾಹಿತಿ ಸಂಗ್ರಹ ಮಾಡಿದ್ದಾರೆ ನಮ್ಮೆಲ್ಲರೂ ಕೂಡ ಈ ಬಗ್ಗೆ ಬೇಕಾದಷ್ಟು ಮಾಹಿತಿಯನ್ನು ಸಂಗ್ರಹ ಮಾಡಿದ್ದಾರೆ. ಅವರಿಂತೆ ನಮಗೂ ಕೂಡ ಮಾತನಾಡುವುದಕ್ಕೆ ಅವಕಾಶ ಕೊಡಿ. ಒಬ್ಬಿಬ್ಬರಿಗೆ ಈ ಕಡೆಯ ಸದಸ್ಯರಿಗೂ ಮಾತನಾಡುವುದಕ್ಕೆ ಅವಕಾಶ ಕೊಡಬೇಕು ಎಂದು ನಾನು ಕೇಳುತ್ತೇನೆ.

ಅಧ್ಯಕ್ಷರು.—ಇದಕ್ಕೆ ಯಾರ್ಯಾರೂ ಸಹಿ ಮಾಡಿದ್ದಾರೆ ಅವರಲ್ಲಿ ಎಲ್ಲರಿಗೂ ಬೇಡ. ಒಬ್ಬಿಬ್ಬರಿಗೆ ಕೊಟ್ಟುರು ಸಾಕು.

† SRI B. SUBBIAH SHETTY (Minister for Education).—Mr. Speaker I would like to raise a fundamental issue on rule 312. Recently in the parliament a ruling was given by the Speaker regarding a similar matter which governs our rule 312. Under rule 312 only the matter can be raised if any member wants and if the Government wants to make a statement on that it can, But it is not compulsory. Thereafter there is no question of any clarification at all. Somehow the practice has grown here. We go on raising clarifications and debate the matter. As a matter of fact there is a separate rule 63, which has made a specific provision. It says :—

“A member may with the previous permission of the Speaker, call the attention of a Minister to any matter of urgent public importance and the Minister may make a brief statement or ask for time to make a statement at a later hour or date.”

Rule 312 is specific :

“A member who wishes to bring to the notice of the Assembly any matter which is not a point of order shall give notice to the Secretary in writing stating briefly the point which he wishes to raise it and he shall be permitted to raise it only after the Speaker has given his consent and at such time and date as the Speaker may fix.”

So, here it is clear that with the permission only it can be raised and if at all anything more is required then it can be done only under rule 63. So, here there is no question of clarification at all.

SRI S. R. BOMMAI.—Under rule 312 a member is given the right to raise the issue. If you agree to that, then about 5 members have given notice and they have the right to raise it. 'What the Hon. Speaker said is already two members have spoken and there are other three signatories and if they want they can seek clarification. We do not know what ruling is given in the Lok Sabha. We have been following certain practice here. Otherwise let the Hon. Speaker permit all of us to say whatever they want before the Minister replies.

SRI B. SUBBAYYA SHETTY.—Sir, here, the matter has been raised and has been replied. Now a question has come up regarding clarifications. We have to proceed according to rules. Even under Call Attention motion debate is not allowed. Under Rule 312, a point could be raised, and when it has already been replied there is no scope for clarifications.

11-00 A. M.

ಶ್ರೀ ಬಿ. ವಿ. ಕಕ್ಕಿಲಾಯ.—ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ನಿಯಮ ಒಂದರ ಪ್ರಕಾರ ಒಂದು ವಿಚಾರವನ್ನು ಸಭೆಯ ಮುಂದೆ ಎತ್ತುವುದಕ್ಕೆ ಅವಕಾಶವಿದೆ. ಆ ಪ್ರಕಾರವಾಗಿ ಒಂದು ವಿಚಾರವನ್ನು ಇಲ್ಲಿ ಎತ್ತಲಾಗಿದೆ, ಅದರ ಬಗ್ಗೆ ಮಾನ್ಯ ಸಚಿವರು ಉತ್ತರ ಕೊಡುತ್ತಾರೆ. ನಮ್ಮ ಮುಂದೆ ಒಂದು ವಿಚಾರವಿದೆ, ಆ ಬಗ್ಗೆ ಈ ಕಡೆಯವರು ಹೇಳುವುದರಿಂದ ಮತ್ತು ಆ ಕಡೆಯವರಿಂದ ಆ ಕುರಿತು ಉತ್ತರ ಕೊಡುವುದರಿಂದ ನಮಗೆ ಕೆಲವು ಅನುಮಾನಗಳು ಬರುವುದು ಸ್ವಾಭಾವಿಕ. ಆದುದರಿಂದ, ಎರಡು ಕಡೆಯವರಿಗೂ ಮಾತನಾಡುವುದಕ್ಕೆ ಅವಕಾಶ ಕೊಟ್ಟರೆ ವಿಷಯದ ಪೂರ್ತಿ ಸತ್ಯವನ್ನು ನಾವು ತಿಳಿಯಬಹುದು. ಇಲ್ಲದಿದ್ದರೆ, ಇದರಿಂದ ಯಾರಿಗೂ ಅನುಕೂಲವಾಗುವುದಿಲ್ಲ. ಇಂತಹ ಪ್ರಶ್ನೆಗಳು ಬಂದಾಗ, ಎರಡು ಕಡೆಯವರಿಗೂ ಮಾತನಾಡುವುದಕ್ಕೆ ಅವಕಾಶ ಕೊಡಿ, ಬೇಕಾದರೆ ಇಂತಿಷ್ಟು ಸಮಯವೊಂದು ನಿಗದಿ ಮಾಡಿ. ಇದು ನನ್ನ ಪ್ರಾರ್ಥನೆ.

ಅಧ್ಯಕ್ಷರು.—ಈ ಮನೆಯ ಸಮಯ ಬಹಳ ಪ್ರಾಮುಖ್ಯವಾದುದು. ಒಂದು ಪ್ರಸ್ತಾವನೆಗೆ ಎಂಟು-ಹತ್ತು ಜನ ರುಜು ಹಾಕಿಬಿಟ್ಟು, ರುಜು ಹಾಕಿರುವವರೆಲ್ಲರಿಗೂ ಮಾತನಾಡಲಿಕ್ಕೆ ಅವಕಾಶ ಕೊಡಬೇಕೆಂದರೆ, ನಿಯಮ ಒಂದರ ಪ್ರಕಾರ ಅದಕ್ಕೆ ಅವಕಾಶ ಇಲ್ಲ.

ಶ್ರೀ ಎಂ. ಸಿ. ಬಸಪ್ಪ.—ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ಇಂದು ನಿಯಮ ಒಂದನ್ನು ವ್ಯಾಖ್ಯಾನ ಮಾಡಲಾಗುತ್ತಿದೆ. ಇಂದು ಅಧಿವೇಶನದ ಕೊನೆಯದಿನ. ಹಾಗಿರುವಾಗ, ಇಲ್ಲಿಯವರೆಗೂ ಇದ್ದ ಸಂಪ್ರದಾಯವನ್ನು ಮರೆತು ಈಗ ನಿಯಮ ಒಂದಕ್ಕೆ ಹೊಸ ವ್ಯಾಖ್ಯಾನ ಕೊಡುವುದರ ಅವಶ್ಯಕತೆ ಏನಿದೆ? ಕಳೆದ ಐವತ್ತು ದಿವಸಗಳಿಂದಲೂ ಒಂದರ ಕೆಳಗೆ ಇದೇ ರೀತಿ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಚರ್ಚೆಗೆ ತೆಗೆದುಕೊಳ್ಳಲು ಅವಕಾಶ ಕೊಡಲಾಗಿದೆ. ಆದರೆ, ಇಂದು ಸರ್ಕಾರ ಇಕ್ಕಟ್ಟಿನಲ್ಲಿ ಸಿಕ್ಕಿರುವುದರಿಂದ ಬೇರೆ ಅರ್ಥ ವಿವರಣೆ ಕೊಡುವುದಾದರೆ.....

ಅಧ್ಯಕ್ಷರು.—ಅದು ತಮ್ಮ ಅಭಿಪ್ರಾಯ.

ಶ್ರೀ ಬಿ. ಸುಬ್ಬಯ್ಯಶೆಟ್ಟಿ.—ಯಾವ ಇಕ್ಕಟ್ಟೂ ಇಲ್ಲ.

ಶ್ರೀ ಜೆ. ಎಚ್. ಪಟೇಲ್.—ಜವಾಬ್ದಾರಿ ಇದ್ದಿದ್ದರೆ ಇಕ್ಕಟ್ಟು ಇರುತ್ತಿತ್ತು, ತಮಗೆ ಜವಾಬ್ದಾರಿ ಇಲ್ಲ.

† SRI C.M. ARUMUGHAM (K G F).—Sir, I raise on a Point of Order. If we would read Rule 312 carefully, only one member could raise a matter. It says:—

“A member who wishes to bring to the notice.....” Therefore, only one member could raise a matter with the consent of the Speaker, but not half-a-dozen or dozen members. All these days the members who had put their signature to the notice were permitted to speak. But as per the rule the procedure adopted is not correct. At the same time it does not mean to say that we have not followed the rule correctly. This is a very important matter which pertains to a Minister. We would also like to put some questions and know the facts of the case. Sir, I was not able to follow what exactly is the matter on which my hon. friends Sriyuths J. H. Patel and S. R. Bommai have said. We have got some doubts about it. We want to know what exactly is the point. The Hon'ble Minister Sri Subhayya Shetty stated that the matter was raised and it was replied and there is no scope for clarifications. But all these days, clarifications have been allowed may be we are not able to follow the procedures of the Fifth Assembly. If we

strictly follow Rule 312, only one member could raise the matter and not half-a-dozen or a dozen members. When more than one Member has given notice the Speaker could decide which individual member could be permitted; the Speaker has a right not to allow other members to speak. After all, we are human beings. Therefore, you please give a chance to some of the signatories of the notice and let us also be given a chance to know what exactly is the point.

ಶ್ರೀ ಹೆಚ್. ಟಿ. ಕೃಷ್ಣಪ್ಪ.—ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ಮಾನ್ಯ ಆರೋಗ್ಯ ಅನುಭವಿಗಳು ಎತ್ತಿರುವ ಕ್ರಿಯಾ ಲೋಪವನ್ನೇ ನಾನೂ ಎತ್ತಿರುವುದು. ಅದರ ಜೊತೆಗೆ ಒಂದು ವಿಷಾದಕರ ವಿಚಾರವೇನೆಂದರೆ, ಇತ್ತೀಚಿನ ದಿವಸಗಳಲ್ಲಿ, ಯಾವುದಾದರೊಂದು ವಿಷಯ ಚರ್ಚೆಯಾಗುತ್ತಿದ್ದ ಕಾಲದಲ್ಲಿ ಅಧ್ಯಕ್ಷರು ಅದರ ಬಗ್ಗೆ ತೀರ್ಮಾನ ಕೊಟ್ಟುಮೇಲೂ ಅದನ್ನು ಉಲ್ಲಂಘನೆ ಮಾಡುತ್ತಿರುವುದು ಯಥೇಚ್ಛವಾಗಿ ಕಂಡುಬರುತ್ತಿದೆ. ಇದು ದುರದೃಷ್ಟಕರ. ಶ್ರೀಮತಿ ಪ್ರಮಿಳಾ ಅವರಿಗೆ ಮಾತನಾಡುವುದಕ್ಕೆ ಅವಕಾಶ ಕೊಡಬೇಕೋ, ಬೇಡವೋ ಎನ್ನುವ ಹಂತದಲ್ಲಿ ಈ ಮನೆಯ ಕಾಲವಿಳಂಬವಾಗುವ ಪ್ರಸಂಗವೊದಗಿದೆ. ಮಾನ್ಯ ವಿರೋಧ ಪಕ್ಷದ ನಾಯಕರಾದ ಶ್ರೀಮಾನ್ ಬೊಮ್ಮಾಯಿಯವರು ಈ ವಿಚಾರವಾಗಿ ವಿಶದವಾಗಿ ದಾಖಲೆಗಳ ಆಧಾರದ ಮೇಲೆ ಏನೇನು ಹೇಳಬೇಕೋ ಎಲ್ಲವನ್ನೂ ಹೇಳಿದ್ದಾರೆ. ಅದುದರಿಂದ, ಮಾನ್ಯ ಸದಸ್ಯರಾರೂ ಹೇಳುವುದನ್ನು ತಪ್ಪಿಸುವುದು ಸರ್ಕಾರದ ಉದ್ದೇಶವಲ್ಲ ಅಥವಾ ವಿಶೇಷ ಚಟುವಟಿಕೆ ಉಪ ಯೋಗಿಸಿ ಇರತಕ್ಕ ವಿಚಾರಗಳನ್ನು ಮರೆಮಾಡುವ ಉದ್ದೇಶವೂ ಸರ್ಕಾರಕ್ಕಿಲ್ಲ. ಈ ವಿಷಯದ ಬಗ್ಗೆ ಅಪರೂಪವಾದ ದಾಖಲೆಗಳನ್ನಿಟ್ಟುಕೊಂಡಿದ್ದಾರೋ ಅಷ್ಟೇ ದಾಖಲೆಗಳು ಸಮ್ಮತಿಯವರೆಲ್ಲರೂ ಇವೆ, ಅಥವಾ ಅದಕ್ಕಿಂತ ಹೆಚ್ಚಿಗೆ ಇದೆ.

ಅವರು ಕೊಡತಕ್ಕ ದಾಖಲೆಗಳಿಗೆ ಆ ದಾಖಲೆಗಳ ಆಧಾರದ ಮೇಲೆ ಸರಿಯಾಗಿ ಉತ್ತರವನ್ನು ಕೊಡುತ್ತಾರೆ ಎಂದು ನಾನು ನಿರೀಕ್ಷೆ ಮಾಡುತ್ತೇನೆ. ಈ ಸಂದರ್ಭದಲ್ಲಿ ಮಾತನಾಡಬೇಕು ಎಂದು ಪಠ ಮಾಡತಕ್ಕ ಪ್ರವೃತ್ತಿ ಇದು ಖಂಡನೀಯ. ಈ ಸಭೆಯ ಕಾರ್ಯಕಲಾಪಗಳನ್ನು ನಡೆಸತಕ್ಕ ಅಧಿಕಾರವನ್ನು ಹೊಂದಿರತಕ್ಕ ತಮ್ಮ ಅಧಿಕಾರವನ್ನು ಪ್ರಶ್ನೆ ಮಾಡುವುದಕ್ಕೆ ಹೋದರೆ ಈ ಸಭೆಯ ಕಾರ್ಯ ಕಲಾಪಗಳನ್ನು ನಡೆಸುವುದಕ್ಕೆ ಕಷ್ಟವಾಗುತ್ತದೆ. ಒಂದುವೇಳೆ ನೋಟೀಸ್‌ನಲ್ಲಿ ಸೈನ್ ಮಾಡಿರತಕ್ಕವರೆಲ್ಲರೂ ಎಂದರೆ ೫೦-೬೦ ಜನ ಮಾನ್ಯ ಸದಸ್ಯರು ನೋಟೀಸ್‌ಗೆ ಸೈನ್ ಮಾಡಿದ್ದರೆ ಅವರೆಲ್ಲರೂ ಮಾತನಾಡಬೇಕು ಎಂದರೆ ೩೦ ದಿವಸಗಳು ಇದನ್ನು ಚರ್ಚೆ ಮಾಡಬಹುದು. ಆ ಪರಿಸ್ಥಿತಿಗೆ ಅವಕಾಶವನ್ನು ಮಾಡಿಕೊಡಬಾರದು ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರು ಕೊಡತಕ್ಕ ತೀರ್ಮಾನಕ್ಕೆ ಬದ್ಧರಾಗಿ ಸರ್ವ ಸದಸ್ಯರು ನಡೆದುಕೊಳ್ಳಬೇಕು.

ಶ್ರೀಮತಿ ಎಸ್. ಪ್ರಮಿಳಾ.—ನಾನು ಇಂಡಿವಿಜುಯಲ್ ಆಗಿ ನೋಟೀಸ್ ಕೊಟ್ಟಿದ್ದೇನೆ.

SRI S. R. BOMMAI.—A pertinent point has been raised by Sri C. M. Armugam. The definition of the member is contained in section 2 of the Rules of Procedure. According to item (ii) of section 2 which says

“(ii) in the case of any other motion, the member who has given notice of the motion;”, supposing if 50 members have signed the notice and sent it, what should be the procedure that should be followed in such cases? The procedure followed in the Lok Sabha is that they draw a lot of 5 persons or 3 persons and then they are given a chance to speak. The existing rule can be changed to conform to the practice followed in the Lok Sabha. But let this procedure be followed from the next session onwards.

As has been already said, this is a very important matter; the entire House wants to know the truth. The members who are signatories to this motion and others who are not signatories, may be permitted to put questions and elicit information. Since the subject-matter pertains to a Minister, let this matter be discussed.

**SRI B. BASAVALINGAPPA.**—As per the existing rule, what Sri Armugam has clarified that should stand. If we have got any other course, we can adopt it also. I may point out that the drafting of the rules was half done. I think after this Assembly, we can constitute a committee to go into this matter and read the whole thing. For the present what Sri Armugam has said and told us that only one member can raise and he should be replied to, that should stand. This motion should not have been admitted; willy nilly it is admitted, but while admitting they should have known whether 'a member' or more than one member has signed. When there is 'a member' they should not have taken cognisance of it. Since it has been admitted, better two members are allowed to speak. The other members who are anxious to speak, they may kindly respect the views expressed by the Hon'ble Leader of the House and Sri Armugam.

**ಅಧ್ಯಕ್ಷರು.**—ಅವರು ಹೇಳಿದ್ದಾರೆ. ಅವರು ಹೇಳಿದ ಪ್ರಕಾರ ಅಲೋಮಾಡಿ ಹಾಗೆ ಎನ್ನ ತಕ್ಕಂಥಾ ಅಭಿಪ್ರಾಯವನ್ನು ಮಾನ್ಯ ಸದಸ್ಯರು ಹೇಳಿದ್ದಾರೆ. ಇವೊತ್ತು ಅಲೋ ಮಾಡಿ ಎಂದು ಹೇಳಿದ್ದಾರೆ.

**SRI B. BASAVALINGAPPA.**—Since Sriyuths J. H. Patel and Bommai have done a good job of their subject, I do not think there is any necessity of other members participating. We shall respect the opinion expressed by Sri Arumugam and then confine ourselves to that point. The hon. lady member Smt. Pramila though she is very desirous of expressing something on this subject, I appeal to her not to press it.

**SRI A. LAKSHMISAGAR.**—I raise a point of order Sir.

**ಅಧ್ಯಕ್ಷರು.**—ಇಲ್ಲಿರ ಪ್ರಕಾರ ಬಂದ ವಿಚಾರದಲ್ಲಿ ಈ ರೀತಿ ಕಾಲವನ್ನು ಕಳೆಯುತ್ತಾ ಹೋದರೆ ಹೇಗೆ? ಈ ವಿಚಾರದಲ್ಲಿ ಪ್ರಸ್ತಾಪ ಮಾಡಿದಮೇಲೆ ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಉತ್ತರ ಕೊಟ್ಟು ಮುಗಿಯಿತು. ಮತ್ತೆ ಮತ್ತೆ ಇದನ್ನು ಪ್ರಸ್ತಾಪ ಮಾಡುತ್ತಾ ಹೋದರೆ ಇದರಲ್ಲಿ ಕಾಲ ವ್ಯರ್ಥವಾಗುತ್ತದೆ. ಈ ರೀತಿ ಅವಕಾಶ ಕೊಡುತ್ತಾ ಹೋದರೆ ಯಾವರೀತಿ ಈ ಸಭೆಯ ಕಾರ್ಯಕಲಾಪಗಳನ್ನು ನಡೆಸುವುದು.

**SRI M. C. NANIAH.**—I would like to know whether there is any kind of a debate under this rule? ಡಿಬೇಟೆಗೆ ಅಲೋ ಮಾಡತಕ್ಕ ಪ್ರಶ್ನೆ ಬಂದರೆ ನಮಗೂ ಅವಕಾಶ ಕೊಡಬೇಕಾಗುತ್ತದೆ.

**ಅಧ್ಯಕ್ಷರು.**—ಚರ್ಚೆಗೆ ಅವಕಾಶ ಇಲ್ಲ.

**SRI M. C. NANIAH.**—I obey your order; but the matter has been spoken by the Leader of the Opposition and Sri J. H. Patel much more than what the matter warranted. Our Government has given reply. Further if the Speaker were to give scope for the debate under this rule, then we will be going beyond the scope of the rule—rule 312.



MR. SPEAKER.—I do not allow any debate on this matter.

SRI A. LAKSHMISAGAR.—The contention of the hon. Minister Sri Subbiah Shetty and Sri Basavalingappa is not in consonance with the practice we have been following at any rate during the course of the session of this Assembly so far. I may remind Sri Subbiah Shetty that he has participated and given replies and clarifications on motions which were brought under rule 312 raised by more than one member on this side as well as other side. Merely because they think they are in a tight corner, this practice should not be given a go-by. I am only pointing out the practice we have followed so far in this House. If the rule requires any modification or any other clarification in the rule itself in order to limit the number of persons who can raise any matter under rule 312, it is a matter that can be taken care of in future; but for the present my submission to you is that the practice so far followed must also be followed in this case. This happens to be the last day of the session, this practice should be followed. As pointed out by Sri Bommai if there are a number of persons giving notice under rule 312, you may draw a lot to limit the number of persons to take part. My submission is, you cannot make any departure from the practice so far followed in this House so far as the first session of the Assembly is concerned. If you make a departure, then you would be making an invidious distinction of following a particular rule in one part of the session and completely giving up that rule in another part of the same session.

This will not serve the ends of justice. I am really aghast to know the vehement argument made by Sri B. Subbaya Shetty being a lawyer. This has been followed throughout the Session. He is swallowing his own words. There must be some consistency in the arguments advanced by a particular Member.

ಅಧ್ಯಕ್ಷರು.—ಪಾರ್ಲಿಮೆಂಟ್‌ನಲ್ಲಿ ಚರ್ಚೆಗೆ ಅವಕಾಶ ಇಲ್ಲವೆಂದು ಇದೆ.

SRI A. LAKSHMI SAGAR.—He has also made a reference to the practice of Parliament. He has only made that reference on the basis of Press report; but not quoted any rules. It cannot be hold good for the whole day. He may say so many things. But there is rule of interpretation. That can be followed in future practice. Therefore, my submission to you is let us not depart from the practice we have been following so far in the House on matters raised under Rule 312. If you think it necessary to limit the persons who have given notice of under 312, it could be done only for future cases but not for the present one. As on today, I don't think any case has been made to make a departure from the practice we have followed in the House so far. We have been following that practice and there is no need to depart from it in the present case.

B. SUBBAYYA SHETTY.—Hon'ble Member Sri Lakshmi Sagar said that I seem to be a lawyer. I raised that point as a lawyer. I never deny that it has been the practice. Only because of that I had to raise that point. Even if I don't object that doesn't mean that the rule has been changed. In the rule there are certain procedures to be followed and certain practices are being followed. It is everybody's right to point out what is the correct rule and what are the practices to be followed. It may be raised by any Member. That does not mean that we lose the right. When I had been to Delhi, I met the Deputy Speaker of the Lok Sabha. He told me a similar point. In the Lok Sabha under Rule 312, there is a recent ruling of the Speaker wherein only a matter could be raised. And if the Government wants to make a reply it can be made; but the Government cannot be forced to make a statement. The rationale of the rule is that some urgent matter can be raised. But there are certain other rules too. We have got the Rule 63. That is a different rule altogether, where a reply can be sought as a matter of right by the Member. That rule itself contains that it cannot be expanded to a debate. Here, we find may be by practice some sort of debate. In the last session also we have participated. We cannot over-ride the rules. Mr. Sagar says, that we have to change the rules. We have to stick to the rules; there is no need to change it. But it is left to the Speaker whether we have to follow the procedure already followed. Because, the hon'ble Member provoked me I had to say this. When other Members wanted to ask questions, then it was argued from the other side to give chances. It is not so. Only to point out this, I raised this point. Of course, it is left to the Speaker.

ಶ್ರೀ ಎಂ. ಚಂದ್ರಶೇಖರ್.—ಸ್ವಾಮಿ, ನಮ್ಮ ನಾಲ್ಕು ಜನರ ಪ್ರತಿ ಶ್ರೀಮತಿ ಪ್ರಮೀಳಾ ಒಬ್ಬರೇ ಮಾತನಾಡಲಿ. ನಾವು ಯಾರೂ ಮಾತನಾಡುವುದಿಲ್ಲ.

ಅಧ್ಯಕ್ಷರು.—ಶ್ರೀಮತಿ ಪ್ರಮೀಳಾರವರು ಒಬ್ಬರೇ ಒಂದು ಪ್ರಶ್ನೆಕವಾದ ನೋಟೀಸ್ ಕೊಟ್ಟಿದ್ದಾರೆ. ಅದರಿಂದ ಅವರಿಗೆ ಅವಕಾಶ ಕೊಡಬೇಕಾಗಿದೆ. ಇಲ್ಲಿ ಮಾನ್ಯ ಸದಸ್ಯರಿಗೆ ಒಂದು ಮಾತು ಹೇಳುವುದಾದರೆ ರೂಲ್ ೩೧೨ರ ಪ್ರಕಾರ 'A member' ಎಂದು ಇದೆ. ಇನ್ನು ಮುಂದೆ ಇದನ್ನು ನಾವು ಕಟ್ಟುನಿಟ್ಟಾಗಿ ಪಾಲಿಸಿಕೊಂಡು ಹೋಗಬೇಕಾಗುತ್ತದೆ. ಎರಡನೆಯದು ಈ ಸದನದ ವೇಳೆ ಬಡೆಲೆ ಅಮೂಲ್ಯವಾದುದು. ಇದನ್ನು ಅನ್ಯಥಾ ಕಳೆಯುವುದು ಬೇಡ. ಈ ರೀತಿ ಒಂದೇ ನೋಟೀಸ್‌ಗೆ ೧೦-೧೫ ಜನ ರುಜು ಮಾಡಿ ಕಳುಹಿಸುವುದಾದರೆ ಇನ್ನು ಮುಂದೆ ಒಂದು ನೋಟೀಸ್‌ಗೆ ಇಷ್ಟೇ ಜನ ರುಜು ಮಾಡಿ ಕಳುಹಿಸಬೇಕೆಂದು ರೂಲ್ಸ್ ಮಾಡಬೇಕಾಗುತ್ತದೆ. ಅದುದರಿಂದ ಇನ್ನು ಮೇಲೆ ಯಾರೂ ನೋಟೀಸ್ ಕಳುಹಿಸಿರುತ್ತಾರೆ ಅವರು ಮಾತ್ರ ವಿಷಯ ಪ್ರಸ್ತಾಪ ಮಾಡಬೇಕು ಬೇರೆಯವರು ವಿವರಣೆ ಕೇಳುವುದನ್ನು ಬಿಡಬೇಕು. ಮತ್ತು ಯಾರಾದರೂ ಒಬ್ಬರು ನೋಟೀಸ್ ಕೊಟ್ಟು ವಿಷಯ ಪ್ರಸ್ತಾಪ ಮಾಡುವ ಸಂದರ್ಭದಲ್ಲಿ ಸಂಬಂಧಪಟ್ಟ ಮಾನ್ಯ ಸಚಿವರು ಸಭೆಯಲ್ಲಿ ಇಲ್ಲದಿದ್ದರೆ ಇನ್ನೊಂದು ದಿವಸ ಅದಕ್ಕೆ ಉತ್ತರ ಕೊಡುತ್ತಾರೆ. ಇಂಥ ಒಂದು ಸಂಪ್ರದಾಯವನ್ನು ನಾವು ಬೆಳೆಸಿಕೊಳ್ಳುವುದು ಸೂಕ್ತವೆಂದು ನನ್ನ ಸಲಹೆ.

ಶ್ರೀ ಪಿ. ಎನ್. ರೆಡ್ಡಿ.—ಸ್ವಾಮಿ ನನ್ನದೊಂದು ಕ್ರಿಯಾಲೋಪ. ಮಾನ್ಯ ಸದಸ್ಯರೇಯವರು.

11-30 A.M.

MR. SPEAKER.—To whom Sri Reddy, is addressing? He should address the Chair. ನಮ್ಮ ಪಾಯಿಂಟ್ ಆಫ್ ಆರ್ಡರ್ ಯಾವ ರೂಲ್ ಕೆಳಗೆ ಎತ್ತುತ್ತಿದ್ದೀರಿ? ರೂಲ್ ಯಾವುದು ಹೇಳಿ?

ಶ್ರೀ ಪಿ. ಎನ್. ರೆಡ್ಡಿ.—ಈ ಸದನದಲ್ಲಿ ತಾವು ರೂಲಿಂಗ್ ಕೊಟ್ಟಿದ್ದೀರಿ, ಯಾರೇ ಆಗಲೀ ವೈಯಕ್ತಿಕವಾಗಿ ಮಾಡಿರತಕ್ಕ ಕೆಲಸಕಾರ್ಯಗಳ ಮೇಲೆ ಈ ಸಭೆಯಲ್ಲಿ ತರಕೂಡದು ಎನ್ನುವ ರೂಲಿಂಗ್ ಕೊಟ್ಟಿದ್ದೀರಿ.

MR. SPEAKER.—You have not properly followed my decision. The Hon'ble Minister as a member of this House can attend both the Houses

SRI D. V. PATTAR.—Sir, I am drawing your attention to Rule 28g (v) which says :

“A member while speaking shall not reflect upon the conduct of persons in high authority unless the discussion is based on a substantive motion drawn in proper terms.”

ಅಧ್ಯಕ್ಷರು.—ದಯವಿಟ್ಟು ತಾವು ಕುಳಿತುಕೊಳ್ಳಿ, ಎಲ್ಲಾ ರೂಲ್ಸ್ ಪ್ರಕಾರ ನಡೆಯುತ್ತಿದೆ ಮಂತ್ರಿಗಳವರಿಗೂ ನೋಟೀಸ್ ಕೊಟ್ಟಿದೆ ಎಲ್ಲಾ ಗೊತ್ತಿದೆ ಕೂತುಕೊಳ್ಳಿ.

ಶ್ರೀಮತಿ ಎಸ್. ಪ್ರಮೀಳಾ.—ಮಾನ್ಯ ಸಭಾಧ್ಯಕ್ಷನೇಯವರೇ ನಿರ್ಣಯವೇ ಈ ಜಮೀನು ನಾನ್ ಅಗ್ರಿಕಲ್ಚರಲ್ ಪ್ರಾಪರ್ಟಿ ಎಂದು ರಿಜಿಸ್ಟರ್ ಆಗಿರತಕ್ಕದ್ದು ಅಯರ್ಸ್ ಎಕ್ಸ್‌ಟ್ರಾಕ್ ಆಗಿದೆ. ಮಂಟೇಷನ್ ರಿಕಾರ್ಟ್ಸ್ ಆಫ್ ರೈಟ್ಸ್‌ನಲ್ಲಿ ಎಂಟ್ರಿಯಾಗಿದೆ.

ಅಧ್ಯಕ್ಷರು.—ಮಾನ್ಯ ವಿರೋಧ ಪಕ್ಷದ ನಾಯಕರು ಮತ್ತಿತರ ಸದಸ್ಯರು ಹೇಳಿದ್ದಾರೆ ತಾವು ಬೇರೆ ವಿಷಯವಿದ್ದರೆ ಹೇಳಿ.

ಶ್ರೀಮತಿ ಎಸ್. ಪ್ರಮೀಳಾ.—ಆ ರೀತಿ ಎಂಟ್ರಿಯಾದ ಮೇಲೆ ಮೊದಲನೆಯದಾಗಿ ಕಾನೂನಿನ ಉಲ್ಲಂಘನೆಯಾಗಿದೆ. ನಿರ್ಣಯದಲ್ಲಿ ನಾನ್ ಅಗ್ರಿಕಲ್ಚರಲ್ ಪ್ರಾಪರ್ಟಿ ಎಂದು ತೆಗೆದುಕೊಂಡು ಓಷಿನೇ ಇಸ್ಟಿಯಲ್ಲಿ ಅಗ್ರಿಕಲ್ಚರಲ್ ಪರ್‌ಪಸ್‌ಸ್‌ಗೆಂದು ತೆಗೆದುಕೊಂಡಿದ್ದಾರೆ ಇದರಿಂದಾಗಿ ಮೊಟ್ಟ ಮೊದಲನೆಯದಾಗಿ ಕಾನೂನಿನ ಉಲ್ಲಂಘನೆಯಾಗಿದೆ. ಅದಾದನಂತ ೨೪-೧೨-೧೯೭೪ನೇ ಇಸವಿಯಿಂದ.....

ಮಾನ್ಯ ಸದಸ್ಯರುಗಳು.—ಮಾನ್ಯ ಸದಸ್ಯನೇಯವರು ಪುನಃ ಹೇಳಿದ್ದನ್ನೇ ಹೇಳುತ್ತಿದ್ದಾರೆ.....

ಅಧ್ಯಕ್ಷರು.—ತಾವು ಬೇರೆ ವಿಷಯ ಪ್ರಸ್ತಾಪ ಮಾಡಿ ಹೇಳಿದ್ದನ್ನೇ ಹೇಳಬೇಡಿ.

ಶ್ರೀಮತಿ ಎಸ್. ಪ್ರಮೀಳಾ.—ಇನ್ನು ಎರಡನೆಯದಾಗಿ ಉಲ್ಲಂಘನೆ ಆಗಿರತಕ್ಕದ್ದು ಫಾರಂ ೭ರಲ್ಲಿ ನಾನ್ ಅಗ್ರಿಕಲ್ಚರಲ್ ಪ್ರಾಪರ್ಟಿಯನ್ನು ರಿಜಿಸ್ಟರ್ ಮಾಡಿ ಎಂದು ತಿಳಿಸಿರತಕ್ಕದ್ದು ಇದು ಲ್ಯಾಂಡ್ ರಿಫಾರ್ಮ್ಸ್ ರೋಲ್ಸ್‌ಗೆ ವಿರುದ್ಧವಾಗಿ, ತಹಶೀಲ್ದಾರ್‌ರವರು ಫಾರಂ ೭ನ್ನು ಡಿಕ್ಲೇಷನ್ ಮಾಡಿ ರಿಕಾರ್ಟ್ಸ್ ಆಫ್ ರೈಟ್ಸ್‌ನಲ್ಲಿ ತೀರ್ಮಾನ ಮಾಡಿದ ಅದೇನೇ ಆದ ನಾನ್ ಅಗ್ರಿಕಲ್ಚರಲ್ ಪ್ರಾಪರ್ಟಿ ಎಂದು ಅವರ ಗಮನಕ್ಕೂ ತಂದಿದ್ದು ಅವರು ಸಹ ಅದು ಎಕ್ಸ್‌ಪಾಟಿ ಎಂದು ಆರ್ಡರ್ ಕೊಟ್ಟಿದ್ದಾರೆ. ಹೀಗಿದ್ದರೂ ಸಹ ನಾನ್ ಅಗ್ರಿಕಲ್ಚರಲ್ ಪ್ರಾಪರ್ಟಿಯನ್ನು ಅವರ ಹೆಸರಿನಲ್ಲಿ ರಿಜಿಸ್ಟರ್ ಮಾಡಿದ್ದಾರೆ. ಅವರು ತಿಳಿದೂ ತಿಳಿಯದನೋ ಅಗ್ರಿಕಲ್ಚರಲ್ ಪ್ರಾಪರ್ಟಿ ಆಗಿತ್ತು ಎನ್ನುವುದಾದರೆ ಸೆಕ್ಷನ್ ೬೧ರ ಪ್ರಕಾರ ಕಾನೂನಿನ ವಿರುದ್ಧವಾಗಿ ೨೬-೧೧-೧೯೭೭ನೇ ಇಸವಿಯಲ್ಲಿ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟ್ ಮಾಡಿದ್ದಾರೆ. ಅಗ್ರಿಕಲ್ಚರಲ್ ಪ್ರಾಪರ್ಟಿ ಆಗಿತ್ತು ಎನ್ನುವುದಾದರೆ ಲ್ಯಾಂಡ್ ವೆಸ್ಟ್ ಆಗುತ್ತದೆ, ವೆಸ್ಟ್ ಅದೆ ಭೂಮಿಯನ್ನು ಮಾರುವುದಕ್ಕೆ ಕಾನೂನಿನಲ್ಲಿ ಇಲ್ಲ. ಮಾರುವುದಕ್ಕಾಗುವುದಿಲ್ಲ. ಇದರಿಂದ ಕಾನೂನು ಭಂಗ ಮಾಡಿದ್ದಾರೆ ಇದರಿಂದ ಸೆಕ್ಷನ್ ೧೨೫ ಪ್ರಕಾರ ಅವರ ಮೇಲೆ ಕ್ರಿಮಿ ತೆಗೆದುಕೊಳ್ಳುವುದಕ್ಕೆ ಅವಕಾಶವಿದೆ. ಅದು ಅಗ್ರಿಕಲ್ಚರಲ್ ಪ್ರಾಪರ್ಟಿನೋ ನಾನ್ ಅಗ್ರಿಕಲ್ಚರಲ್ ಪ್ರಾಪರ್ಟಿ

ಅಗ್ರಿಕ್ಚಲ್ಚರಲ್ ಪ್ರಾಪರ್ಟಿಗೆ ಫಾರಂ 2ರಲ್ಲಿ ಕೊಟ್ಟಿದ್ದು ತಪ್ಪು. ನಾನ್ ಅಗ್ರಿಕ್ಚಲ್ಚರಲ್ ಆದರೆ ಸರ್ಕಾರದ ಮಾಲೀಕತ್ವಕ್ಕೆ ಬರುತ್ತದೆ. ನಾನ್ ಅಗ್ರಿಕ್ಚಲ್ಚರಲ್ ಪ್ರಾಪರ್ಟಿಯಾದರೆ ಕಾನೂನಿನ ಪ್ರಕಾರ ಶ್ರೀ ಮಹದೇವ್ ನಾಯಕ್‌ರವರೇ ಮಾಲೀಕರಾಗುತ್ತಾರೆ ಶ್ರೀ ಎಲ್. ಜಿ ಹಾವನೂರವರು ಆದನ್ನು ಮಾರುವುದಕ್ಕೆ ಯಾವುದೇ ಹಕ್ಕು ಅವರಿಗೆ ಕಾನೂನಿನ ಪ್ರಕಾರ ಇರುವುದಿಲ್ಲ, ಗೊತ್ತಿದ್ದೂ ಸಹ ತಿಳಿದೂ, ಕಾನೂನಿನ ಪಂಡಿತರು, ಕಾನೂನಿನ ಮಂತ್ರಿಗಳು ಏನು ಮಾಡಿದ್ದಾರೆ ಅಗ್ರಿಕ್ಚಲ್ಚರಲ್ ಪ್ರಾಪರ್ಟಿಯನ್ನು ಮಾರುವುದಿಲ್ಲ ಅಂದ ಮೇಲೆ...Knowing full well that he has no authority to sell the property; he has no authority to sell the property, he has sold the property. So, he is liable for punishment. This is a fit case where action should be taken. He must be asked to resign forthwith.

**SRI B. BASAVALINGAPPA.**—Sir, I have heard with rapt attention the arguments of learned members Sriyutts: Bommai and Patel and Miss Pramila. There are two or three arguments advanced by them. One is that this is a non-agricultural land. And, even assuming that the land was converted as far back as 1956, and that he has violated the conditions of that kabuliyat, sir, the order of conversion stands even till this day, and it is not cancelled by any authority who has granted this permission. Therefore, whether the fulfilment of the conditions of kabuliyat he has done or not, it is exclusively the province of the parties concerned. It is purely a private affair and purely a property transaction done; it is between Mr. Havanur and the party who has purchased this land. If people purchased knowing that it is non-agricultural land, can we go in the middle and question the legality of the transaction—whether the seller had any right or the purchaser had any right? It is the exclusive province of the purchaser and the seller. How can we come in and question whether he has the authority to sell it?

I don't think that under Rule No. 312 we have powers to question the private affairs or private transactions of the Members.

The second point is about the definition of the land. Mr. Bommai was citing the definition from the Land Reforms Act. I know it full well that the land includes agricultural land as well as non-agricultural land. I think he was growing Bendi and Cucumber. He had constructed a house and he was growing Bendi for vegetable purposes. When we cannot prevent even under the Land Reforms Act any person from growing vegetables or any other crop, how can we? He has done it and it is there and if any person claims the tenancy rights on the land from Mr. L.G. Havanur, let him file an application; let him claim that he is growing this Bendi on this land and that he is entitled for registration.

**SRI A. LAKSHMI SAGAR.**—He did not say so. He has claimed to be a tenant and applied for registration as such. But the Hon'ble Minister is saying something.

**SRI B. BASAVALINGAPPA.**— I was mentioning about the definition of the land. The third point is about occupancy of the rights. Mr. Havanur has not denied that he has not filed an application and my statement is also very clear on this point.

**ಶ್ರೀ ಎ. ಲಕ್ಷ್ಮೀನಾರಾಯಣ್.**— ನಿಮ್ಮ ಸ್ಟೇಟ್‌ಮೆಂಟ್ ಇರಲಿ, ನೀವು ಸಾವಿರ ಹೇಳಬಹುದು. ರೆಕಾರ್ಡ್ ಏನು ಹೇಳುತ್ತದೆ ಎಂಬುದನ್ನು ಹೇಳಿ.

**SRI B. BASAVALINGAPPA.**— The point is that he has filed an application. That is admitted. It is also registered in the name of Sri L.G. Havanur. That is also admitted. Now the point is, without knowing whether it is agricultural land or non-agricultural land if the Tribunal register the application whether it is opposed by the Khatedar or not, the orders are there. Without verifying the records whether it is agricultural land or non-agricultural land, if they can register the occupancy rights in favour of the individual who has made an application for the occupancy rights, then what are the consequences? The consequences are that that order is an order passed in vacuum and it has no relevance we are only passing an order with reference to the land what is described under the law. If without knowing whether that was an agricultural or non-agricultural land, if an order was passed, I repeat once again that, that order was passed in vacuum. That order is there without jurisdiction.

**SRI S.R. BOMMAI.**— Let the Hon. Minister not mislead the House. You read the order of the Tribunal. It has perused the entire record of rights and come to the conclusion that it is an agricultural land and conferred the rights. Don't go on making any statements. The record of rights are there and the Tribunal Order is also there and they have considered and passed the order. Please read the order. You have no right to question the order.

**SRI B. BASAVALINGAPPA.**— Mr. L.G. Havanur was not a Minister then.

**SRI S.R. BOMMAI.**— In this House, Members are well aware of the provisions of the Land Reforms Act and nobody can question the order of the Tribunal unless it is set-aside. Don't try to mislead the House.

**SRI B.V. KAKKILAYA.**— Let us have the benefit of the Hon. (Minister's full answer. If you go on contradicting every sentence, it is rather difficult for us to follow the answer).

**SRI B. BASAVALINGAPPA.**— I cannot understand why my friend Sri Bommai gets up and lose his temper when the argument was counter to their stand. He should have more patience. I am not misleading the House. I presume that there is an order. I also said we have not denied the order of the Tribunal.

*(Madam Deputy Speaker Smt. Sumathi B. Madiman in the Chair)*

Whether the Tribunal looked into the records or not it has no relevance. I have also said that the order is without jurisdiction, and who is the aggrieved party now? It is the person who is the owner of this land. Let him go to the High Court and challenge the Order. Why have you not used all your efforts in filing the writ petition under Article 277? You challenge this order. This is a pure and simple private affair and if any citizen in this country is interested; he can challenge this order. Then, if the sale transaction is bad in law, it is open to the parties affected to question. Whether or not that the property transaction is good or bad is purely an extraneous matter. Mr. L.G. Havanur, in November, 1977 when all these transactions were completed even including the sale, was not even a Minister. He was only a citizen. He was after all I can only say the Chairman or Ex-Chairman of the Backward Classes Commission.

SRI J.H. PATEL.— I entirely agree with you that in this question, we are referring to Mr. L.G. Havanur as an ordinary citizen. It is not that he is a Minister. As an ordinary citizen, he is punishable under Section 125 of the Land Reforms Act. Now all efforts are being made to exempt him from the offence he has committed because he is a Minister; otherwise, I think prosecution would have been launched.

SRI B. BASAVALINGAPPA.— My friend Sri Patel is too intelligent for the job. I don't think that he should exercise his intelligence in this regard. Mr. Havanur is a person known to all of us and his standing in public life and his devotion and faith he has kept in his life for the cause of poor and the backward classes is known to us. What is involved in this whole transaction? It is a property transaction in which he is interested, some third party is interested and not any body else. I don't know why the signatories have exhibited in such volume and in such commotion just to say that Mr. Havanur has indulged himself in certain transactions which were illegal and on that basis action should be taken and he should be maligned in public. I appeal to the Hon. Members that nothing has happened in this case. It is just a pure and simple private affair. It is his personal affair. If anybody is aggrieved, let him go to the Court and I don't think he will also say that the transaction is good or bad. All of us cannot protect him and he will have to repay back all the amount that he has taken and if it is so, tell the man who has taken the land to file a suit. Therefore, this is not a fit case for discussion in this fashion. Thank you very much.

SRI S.R. BOMMAR.— I don't know whether the Hon. Minister Sri L.G. Havanur wants to make any statement or not. If he is making

any statement, then afterwards, I would like to speak; because it concerns to him. He must be given an opportunity if he wants to speak. In all fairness, we should given an opportunity to him.

† SRI L.G. HAVANUR (Minister for Law, B.C and Social Welfare).—Madam Deputy Speaker, my colleague Mr. Basavalingappa has made a statement and I think he has pleaded my case in a better way than I could have done. I do not think the Leader of the Opposition needs any further clarification from me. Besides this if you want to know something about my integrity, honesty and private life I am prepared to make a statement in less than two or three minutes time. Now that the Leader of the Opposition has asked me I would like to say something. Madam Deputy Speaker, when I was practising at Ranebennur I had very good practice which the hon. Leader of the Opposition knows and his relatives are there and they are like my relatives. He was also in the same profession and I belong to his fraternity and whatever little property I had, like house, shop, buildings and land, I have sold them all, except this small bit of 14 guntas of land. Last year when my son got a medical seat I had to sell that land also. If this land was not sold, then it could have been used for my burial only.

SRI S.R. BOMMAI.—Madam, so far as this matter is concerned we have no case against Mr. Havanur personally. We have not questioned his integrity or honesty. Our point is how it concerns the Government. I think Hon. Minister for Revenue has not properly understood it. I would make him understand how it concerns Government. It is not a private affair. It is a transaction of sale and alienation of property. Firstly, where in a agricultural land the conditions of this sandhi is that, if it is not used within a particular period, the permission given for conversion of non-agriculture land would automatically ceases and it continues to be agricultural land. Now Government are concerned in this. Because it had been treated as agricultural land, there is a lease entry and there is an application to the Land Tribunal. I will tell you how the Government is concerned. When once the occupancy right is given to the tenant, until he pays the full premia he is not registered as an occupant. He cannot sell the land. If we read Sections 82 & 83 we can understand how Government comes into the picture. Sections 82 & 83 of the Karnataka Land Reform Rules 1974 reads thus :

“82. Reporting of illegal transactions.—Every village officer and every officer of the Revenue, Registration and Land Records Department shall report to the prescribed authority as the case may be, every transaction in respect of any land in contravention of any of the provisions of this

Act, (as they stood before and as they stand after the date of commencement of the amendment Act) which comes to the notice of such officer,"

83. Inquiry regarding illegal transactions.—The prescribed authority shall, after a summary inquiry, determine whether the transaction reported to it under section 82 or coming its notice in any other manner is in contravention of the provisions of this Act, (as they stood before or as they stand after the date of commencement of the Amendment Act) and make a declaration accordingly. Any transaction so declared to be in cotravention of any of the provisions of this Act as they stood before or as they stand after the date of commencement of the Amendment Act shall be null and void. (The land in respect of which such transaction has taken place shall, as penalty, be forfeited to and vest in the State Government. No amount is payable therefor).

Therefore, the transaction has become null and void under the provisions of this Act. It is not only void but it shall vest with the State Government under the Land Grant Rules.

Secondly, under Section 125, if any person has contravened any provisions of this Act, he is liable to be prosecuted and punished. Here Government comes into picture. They cannot say it is a private affair. We are not interested in his private affairs. We don't come in the way if it is a valid transaction. But we are implementing the Land Reforms and if there is any contravention of any provision of law in the Act, Government should take action.

SRI B. BASAVALINGAPPA.—Madam, I will keep in mind what has been told by the hon. Members. I will take what action is necessary.

SRI S.R. BOMMAI.—Madam, I urge the Government to appoint a Commission to inquiry into the matter. If there is any contravention of the provisions of the Act, let legal action be taken against the persons responsible.

SRI B. BASAVALINGAPPA.—Madam, there is no prima facie case made out by the hon. Member to institute an enquiry.

I have told in my reply that we will take what action is necessary under the Law on the facts stated by the hon. Members.

SRI S.R. BOMMAI.—Madam, according to the Government absolutely there is no prima facie case. According to us there is fool-proof case. Therefore, let the Judicial Commission decide whether there is a case or not. If there is no case let the matter be dropped.



SRI L.G. HAVANUR.—The hon. Leader of the Opposition wants me to arrange before some Commission.

SRI S R. BOMMAI —Madam, I would like to know from the Government whether they are agreeable to appoint a Commission ?

SRI B. BASAVALINGAPPA.—AS I have already said we will take necessary action under the Law if it warrants. There are so many Commissions set up. He may please appeal to the Central Government on this matter.

MADAM DEPUTY SPEAKER.—The hon. Minister for Revenue has already answered this matter. Let us close this issue.

ಶ್ರೀ ಎಸ್.ಆರ್. ಬೊಮ್ಮಾಯಿ.—ಹಾಗಾದರೆ ನಾವು ಸಭಾತ್ಯಾಗ ಮಾಡುತ್ತೇವೆ.

(ಆರ್.ಪಿ.ಐ. ಸಿ.ಪಿ.ಐ. ಮತ್ತು ಮುಸ್ಲಿಂ ಲೀಗ್ ಸದಸ್ಯರನ್ನಳಿದು ಮಿಕ್ಕಲ್ಲವರೊಡನೆ ಸಭಾತ್ಯಾಗ ಮಾಡಿದರು)

12.00 NOON

(ii) re : *Remarks about Muslim Customs made by Minister for Law, Social Welfare and Backward Classes.*

SRI QAMARUL ISLAM (Gulbarga).—Madam, This is a very important matter and it relates to the whole of the Muslim community and twelve crores Muslims of India. On 3rd August while inaugurating a function of women's organisation Sri L. G. Havanur in his capacity as Law Minister has passed derogatory remarks on the Muslim community, which appeared in the newspapers dated 4th August. The Purdah system is there in the Muslim and in Islam. He has said that purdah is the worst form of inclaring women and that Muslim women have been denied all human dignity and that they are forced to confine themselves within the four walls of the kitchen. He has also said that because of the opposition of the Muslim which is the biggest minority among the minority communities of India, the common Civil Code was not adopted. There is a senction of people who want to bring a common Civil Code. I want to tell this House that the Number of Muslims of India have also shed their blood for the independence of India. We know that there is article (44) of the Constitution which provides for a common Civil Code. It is a sword hanging on the heads of the Muslims. That is why we have been agitating since last 30 years after independence inside the Assembly and Parliament and also outside the Assembly and Parliament. Some sections of the people of India are pleading for a common Civil Code. The Child Adoption Bill was introduced in 1972 when Prime Minister Indira Gandhi was in power Both of the Muslims League M.Ps walked